

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

WILLIAM EARL CUNNINGHAM,

Plaintiff,

vs.

BILLINGS CLINIC and
CORRECTIONAL HEALTH
PARTNERS,

Defendants.

CV 20-85-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on William Cunningham's Amended Complaint. (Doc. 8). The Magistrate recommended that Cunningham's Amended Complaint be dismissed for failure to state a cognizable federal claim. (Doc. 10 at 3).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d


422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 10) are ADOPTED IN FULL.

IT IS FURTHER ORDERED:

1. Cunningham's Amended Complaint (Doc. 8) is DISMISSED for failure to state a cognizable federal claim.
2. The Clerk of Court shall close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.
3. The Clerk of Court shall have the docket reflect that the Court has certified pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision will not be taken in good faith.

DATED this 2nd day of June, 2021.


SUSAN P. WATTERS
United States District Judge